

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-6, 9, 11-15, 17-20, 22-27, 32-37 and 38-49 are pending after entry of the amendments set forth herein.

Claims 1-6, 9, 11-15, 17-20, 22-27, 32-37 and 38-49 were examined. Claims 1-6, 9, 11-15, 17-20, 22-27, 32-37 and 38-46 were allowed. Claims 47-49 were rejected.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

Claim Objections

In the Official Action of July 17, 2006, the claims were objected to as a claim number 38 had never been presented. Consequently, the Examiner indicated that claims 39-50 have been renumbered as claims 38-49. The Examiner required that the new claim numbering be used in communications going forward. Accordingly, Applicants have presented previously numbered claims 39-50 as renumbered claims 38-49 above. In view of this renumbering, the Examiner is respectfully requested to reconsider and withdraw the objection to the claims as being no longer appropriate.

Claims Rejected Under 35 U.S.C. Section 102(b) (Glaser)

Claims 47 and 48 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Glaser, U.S. Patent No. 2,450,194. Applicants have amended claim 47 above to incorporate the recitations of claim 48 therein and to further recite that the opening in each elongated body of each retractor blade is a closed ended opening that is closed at an end nearest the second end of the retractor blade in which the opening is formed. It is respectfully submitted that Glaser fails to disclose or suggest such openings have a closed end nearest the second or distal end of the blade.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 47 (claim 48 having been canceled) under 35 U.S.C. Section 102(b) as being anticipated by Glaser, U.S. Patent No. 2,450,194, as being no longer appropriate.

Claim Rejected Under 35 U.S.C. Section 103(a) (Glaser in view of Symbas et al.)

Claim 49 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Glaser, U.S. Patent No. 2,450,194 in view of Symbas et al., U.S. Patent No. 4,627,421. The Examiner admitted that Glaser does not disclose that at least one of said first and second retractor blades includes a plurality of open slots for receiving a suture therein. However, the Examiner asserted that Symbas et al. discloses the provision of a plurality of open slots for receiving a suture therein, and further asserted that it would have been obvious to modify the device of Glaser to includes such slots to retain loose ends of sutures.

In view of the above amendment of claim 47, it is respectfully submitted that claim 49 is allowable over the combination of references applied thereagainst for at least the same reasons that claim 47 is allowable over Glaser, since claim 49 depends from claim 47 and since Symbas et al. also fails to disclose or suggest the closed ended openings recited in claim 47.

Accordingly, in view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 49 under 35 U.S.C. Section 103(a) as being unpatentable over Glaser, U.S. Patent No. 2,450,194 in view of Symbas et al., U.S. Patent No. 4,627,421, as being no longer appropriate.

Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-012CON.

Respectfully submitted,

LAW OFFICE OF ALAN W. CANNON

Date: _____

9/18/06

By: _____



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